

NEW JERSEY DEMOCRATIC
STATE COMMITTEE,

Petitioner,

v.

SHIVA AYYADURAI,

Respondent.

Case Name

**Superior Court of New Jersey
Appellate Division**

Appellate Division
Docket Number
(if available)

Trial Court or DEPARTMENT OF STATE
Agency Below: OFFICE OF THE
SECRETARY OF STATE

Trial Court or
Agency Docket
Number: STE-10482-24

**Disposition on Application for
Permission to File
Emergent Motion - Denied**

Do Not Fill in This Section – For Court Use Only

The application of respondent Shiva Ayyadurai for leave to file an emergent motion on short notice is **Denied** for the following reasons:

- The application on its face does not concern a threat of irreparable injury, or a situation in which the interests of justice otherwise require adjudication on short notice. The applicant may file a motion with the Clerk's Office in the ordinary course.
- The threatened harm or event is not scheduled to occur prior to the time in which a motion could be filed in the Clerk's Office and decided by the court. If the applicant promptly files a motion with the Clerk's Office it shall be forwarded to a Panel for decision as soon as the opposition is filed.
- The applicant did not apply to the trial court or agency for a stay, and obtain a signed court order, agency decision or other evidence of the ruling before seeking a stay from the Appellate Division.
- The application concerns an order entered during trial or on the eve of trial as to which there is no *prima facie* showing that the proposed motion would satisfy the standards for granting leave to appeal.

- The timing of the application suggests that the emergency is self-generated, given that no good explanation has been offered for the delay in seeking appellate relief. Due to the delay, we cannot consider a short-notice motion within the time frame the applicant seeks, without depriving the other party of a reasonable time to submit opposition. And the magnitude of the threatened harm does not otherwise warrant adjudicating this matter on short notice despite the delay. If the applicant promptly files a motion with the Clerk's Office it shall be forwarded to a Panel for decision as soon as the opposition is filed.
- Other reasons:
Respondent admitted he is not a "natural born citizen" of the United States. Therefore, he is ineligible to appear on the ballot as a candidate for the office of United States President in 2024 per the United States Constitution. U.S. Const. art. II, § 1.



8/13/2024

Hon. Jessica R. Mayer, P.J.A.D.

Date